

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BRIAN SHAW,

Plaintiff,

vs.

HOMESERVICES LENDING LLC, et al.,

Defendants.

CASE NO. 11cv924-L (MDD)

ORDER GRANTING PLAINTIFF'S
MOTION TO QUASH SUBPOENA
[Doc. No. 20]

Background

Before the Court is Plaintiff's Motion to Quash subpoenas to Plaintiff's current employer. Defendants have filed an Opposition. The documents requested which remain at issue are: Plaintiff's personnel file; wage/salary history; application for employment, resume, and reference or background checks; offer letters and employment agreements; and, records of payments.

The case was brought by Plaintiff to recover unpaid wages under federal and state law from Plaintiff's former employer. Plaintiff, as the real party-in-interest, opposes production of records from Plaintiff's current employer on a variety of grounds, including relevance, overbreadth and based upon California's privacy laws. Defendants claim that the information is relevant asserting that Plaintiff's current employment is virtually identical to Plaintiff's position with Defendant. Consequently, say Defendants, Plaintiff's current record of wages and hours, as well as any records reflecting the manner in which Plaintiff characterized Plaintiff's employment with Defendant bear upon Plaintiff's claims for unpaid wages from Defendant.


1 Plaintiff described Plaintiff's former employment in a job application or resume also is not relevant
2 - the ultimate issue in this case is the work actually performed for Defendants by Plaintiff.

3 Conclusion

4 The subpoena issued by Defendants to Samuel Scott Financial Group is quashed. Samuel
5 Scott Financial Group is not to produce any responsive documents.

6 IT IS SO ORDERED:

7 DATED: December 22, 2011

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9 Hon. Mitchell D. Dembin
10 U.S. Magistrate Judge
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